

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

BASIL SAN DIEGO
Plaintiff

CIVIL ACTION NO. 18-1348

VERSUS

LOUISIANA COLLEGE
Defendant

NOTICE OF REMOVAL

Petitioner herein, Louisiana College, by and through its undersigned counsel, with full reservation of any and all defenses, respectfully files this Notice of Removal for the following reasons:

1.

On September 14, 2018, an Original Petition for Damages was filed in the Ninth Judicial District Court, Parish of Rapides, State of Louisiana, styled “*Basil San Diego v. Louisiana College,*” Civil Action No. 262,944, Division “F,” (the “State Action”).

2.

Service was received by Louisiana College, on or about September 18, 2018.

3.

Attached hereto as Exhibit “A” is a complete copy of all pleadings currently filed in the Ninth Judicial District Court for the Parish of Livingston in the State Action.

4.

At the time of the commencement of the State Action and at the time of this removal, Louisiana College shows that it is a Louisiana non-profit corporation, and a citizen of the State of Louisiana, being located in Rapides Parish, Louisiana.

5.

At the time of the commencement of the State Action and at the time of this removal, Plaintiff has pled that he is a citizen of the State of Washington.

6.

At the time of the commencement of the State Action and at the time of this removal, Defendant submits the parties to this matter are completely diverse.

7.

In the State Action, Plaintiff affirmatively pleads and alleges that he was exposed to toxic chemical vapors on November 13, 2017, and as a result suffered, as follows:

- “a) Past, present, and future physical pain and suffering;
- b) Past, present, and future mental pain and suffering;
- c) Past, present, and future medical care expenses;
- d) Disability;
- e) Loss of earnings and earning capacity; and

f) Loss of enjoyment of life.”

8.

While denying any liability to Plaintiff, Louisiana College shows that it is facially apparent that Plaintiff, Basil San Diego, has asserted claims where the matter in controversy exceeds the sum or value of **SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS**, exclusive of interest and costs.

9.

Based on the application of Louisiana law as to the value of the claims asserted by Plaintiff, this Court has original jurisdiction over this matter in that there exists complete diversity between Plaintiff and all Defendant, and the jurisdictional amount set forth in 28 U.S.C. §1332 is satisfied. This court has supplemental jurisdiction over all other claims Plaintiff may assert under 28 U.S.C. §1367.

10.

Based on the above, the matter is properly removable to this Court pursuant to the provisions of 28 U.S.C. §1441, *et seq.*

11.

Defendant shows that this Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. §1446(b), because it was filed within 30 days after service was perfected in the State Court proceeding.

12.

The venue of this removal is proper pursuant to the provisions of 28 U.S.C. §1441(a) and (c), inasmuch as the United States District Court for the Western District of Louisiana, Alexandria Division, is the district embracing the Ninth Judicial District Court for the Parish of Rapides, which is where the State Action was filed and has been pending.

13.

Louisiana College files with this Notice of Removal a copy of all pleadings that it received as of this date as required by 28 U.S.C. §1446(a).

14.

Louisiana College will provide the Court with anything it requires under 28 U.S.C. §1446(a) and/or 28 U.S.C. §1447(b).

15.

Louisiana College will give written notice of the filing of this Notice of Removal to all parties and file a copy with the Clerk of the Ninth Judicial District Court for the Parish of Rapides, as required by 28 U.S.C. §1446(d).

16.

Louisiana College reserves the right to amend this Notice of Removal.

WHEREFORE, Louisiana College hereby removes this cause from the Ninth Judicial District Court for the Parish of Rapides, State of Louisiana, to the United States District Court for the Western District of Louisiana, Alexandria Division, for further disposition.

Respectfully Submitted:

By: s/Ryan N. Ours

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Attorney for Louisiana College

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

BASIL SAN DIEGO
Plaintiff

CIVIL ACTION NO. _____

VERSUS

LOUISIANA COLLEGE
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Notice of Filing of Removal, with all attachments, has been forwarded to the following counsel of record:

Christopher C. Broughton
4300 Youree Drive, Ste. 250
Shreveport, LA 71105
Attorney for Plaintiff

by placing same in the United States mail, properly addressed, with first class postage affixed thereto on this 15th day of October, 2018.

/s/Ryan N. Ours

Ryan N. Ours